

10/31/2005 Response to Office Action
U.S.S.N. 10/689,167

Page 2

REMARKS

Claims 1-8 and 10-57 are pending in the application. The subject Office Action has noted that claims 11-57 are allowable over the prior art of record. Claims 1, 2, 4, 5 and 10 are currently rejected. Claims 3 and 6-8 are currently objected to as being dependent upon a rejected base claim. The subject Office Action states that claims 3, and 6-8 would be allowable over the prior art of record if rewritten in independent form including all the limitations of the base claim and intervening claims.

Claims 1, 2, 4, 5 and 10 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent 6,876,482 to DeReus. With respect to independent claim 1, the Office Action states that DeReus discloses a MEM device comprising a movable micromachined structure, and a diamond material disposed along a surface of said micromachined structure, said diamond material defining an abrasive resistive contact area. With respect to the "diamond material defining an abrasive resistive contact area", the Office Action has referenced column 9, line 50 through column 10, line 41 from the DeReus patent.

The applicants respectfully disagree that the DeReus publication is anticipatory prior art to claims 1, 2, 4, 5 and 10. DeReus describes a first standoff bump and a second standoff bump that can comprise a non-conductive material such as diamond (column 9, line 67 through column 10, line 20). The "diamond material" referred to by the subject Office Action, described in the DeReus patent as 118 in Figure 1, is a non-conductive standoff bump designed to prevent a stationary electrode from contacting a movable electrode (column 10, lines 35-41). DeReus describes this element in terms of a non-conductive material, but does not address any properties with respect to abrasion. The DeReus patent also describes a movable contact and a first and second stationary contact, 120 and 104 in Figure 1. Therefore, the DeReus patent teaches a diamond material as a separate element from a contact area. The DeReus patent, therefore, cannot be properly considered anticipatory prior art to claim 1 because it does not disclose all the claimed elements arranged as in the claim. The applicants respectfully request that the 102(e) rejection be withdrawn with respect to claim 1 and therefore, also the dependent claims 2, 4, 5, and 10. Claims 3 and 6-8 also depend on claim 1, and therefore, should be allowed.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the

Cabot Microelectronics Corporation
870 North Commons Drive
Aurora, IL, 60504
Tel. (630) 375-2033

10/31/2005 Response to Office Action
U.S.S.N. 10/689,167

Page 3

Examiner, a telephone conference would expedite the prosecution of the subject application,
the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

By Thomas Omholt
Thomas Omholt (Reg. No. 37,052)
Agent for Applicant(s)
(630) 375-2033

Cabot Microelectronics Corporation
870 North Commons Drive
Aurora, IL, 60504
Tel. (630) 375-2033